



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### HB2597

by Rep. Daniel J. Burke

#### SYNOPSIS AS INTRODUCED:

New Act

30 ILCS 105/5.826 new

735 ILCS 5/21-101

from Ch. 110, par. 21-101

Creates the Gun Offender Registration Act. Provides that a person who commits certain offenses involving a firearm shall register with the municipal police department or sheriff's office in the municipality or county in which he or she resides, is employed, or attends school. Establishes registration requirement, duration of registration, and penalties for non-compliance. Creates the Gun Offender Community Notification Law. Provides that the Department of State Police shall establish and maintain a Statewide Gun Offender Database for the purpose of identifying gun offenders and making that information available to certain persons and entities. Provides that the name, address, date of birth, and offense or adjudication for gun offenders required to register under the Act shall be open to inspection by the public. Provides that every municipal police department shall make available at its headquarters the information on all gun offenders who are required to register in the municipality under the Act. Provides that the sheriff shall also make available at his or her headquarters the information on all gun offenders who are required to register under the Act and who live in unincorporated areas of the county. Provides that the Department of State Police and any law enforcement agency having jurisdiction may, in the Department's or agency's discretion, place this information on the Internet or in other media. Amends the State Finance Act and the Code of Civil Procedure to make conforming changes.

LRB098 08526 RLC 38638 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning firearms.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Gun  
5 Offender Registration Act.

6 Section 5. Definitions.

7 (a) For purposes of this Section, "convicted" shall have  
8 the same meaning as "adjudicated".

9 (b) As used in this Act, "gun offender" means any person  
10 who is:

11 (1) charged under Illinois law, or any substantially  
12 similar federal, Uniform Code of Military Justice, sister  
13 state, or foreign country law, with a gun offense set forth  
14 in subsection (c) of this Section or the attempt to commit  
15 an included gun offense, and:

16 (A) is convicted of the offense or an attempt to  
17 commit the offense; or

18 (B) is found not guilty by reason of insanity of  
19 the offense or an attempt to commit the offense; or

20 (C) is found not guilty by reason of insanity under  
21 subsection (c) of Section 104-25 of the Code of  
22 Criminal Procedure of 1963 of the offense or an attempt  
23 to commit the offense; or

1 (D) is the subject of a finding not resulting in an  
2 acquittal at a hearing conducted under subsection (a)  
3 of Section 104-25 of the Code of Criminal Procedure of  
4 1963 for the alleged commission or attempted  
5 commission of the offense; or

6 (E) is found not guilty by reason of insanity  
7 following a hearing conducted under a federal, Uniform  
8 Code of Military Justice, sister state, or foreign  
9 country law substantially similar to subsection (c) of  
10 Section 104-25 of the Code of Criminal Procedure of  
11 1963 of the offense or of the attempted commission of  
12 the offense; or

13 (F) is the subject of a finding not resulting in an  
14 acquittal at a hearing conducted under a federal,  
15 Uniform Code of Military Justice, sister state, or  
16 foreign country law substantially similar to  
17 subsection (c) of Section 104-25 of the Code of  
18 Criminal Procedure of 1963 for the alleged violation or  
19 attempted violation of the offense; or

20 (2) adjudicated a juvenile delinquent as the result of  
21 committing or attempting to commit an act which, if  
22 committed by an adult, would constitute an offense  
23 specified in subsection (c) of this Section or a violation  
24 of any substantially similar federal, Uniform Code of  
25 Military Justice, sister state, or foreign country law, or  
26 found guilty under Article V of the Juvenile Court Act of

1 1987 of committing or attempting to commit an act which, if  
2 committed by an adult, would constitute an offense  
3 specified in subsection (c) of this Section or a violation  
4 of any substantially similar federal, Uniform Code of  
5 Military Justice, sister state, or foreign country law.

6 Convictions that result from or are connected with the same  
7 act, or result from offenses committed at the same time, shall  
8 be counted for the purpose of this Act as one conviction. A  
9 conviction set aside pursuant to law is not a conviction for  
10 purposes of this Act.

11 For the purposes of this Act, a person who is defined as a  
12 gun offender as a result of being adjudicated a juvenile  
13 delinquent under paragraph (2) of this subsection (b) upon  
14 attaining 17 years of age shall be considered as having  
15 committed the gun offense on or after the 17th birthday of the  
16 gun offender. Registration of juveniles upon attaining 17 years  
17 of age shall not extend the original registration of 10 years  
18 from the date of conviction.

19 (c) As used in this Act, "gun offense" means a violation of  
20 any of the following Sections of the Criminal Code of 2012 when  
21 the offense involves the manufacture, sale, transfer,  
22 carrying, use, or possession of a firearm:

23 12-2(c) (2), (c) (3), and (c) (6) (aggravated assault),  
24 12-3.05(e) (aggravated battery),  
25 18-2(a) (2), (a) (3), and (a) (4) (armed robbery),  
26 18-4(a) (3), (a) (4), (a) (5), and (a) (6) (aggravated

1 vehicular hijacking),  
2 24-1 (unlawful use of weapons),  
3 24-1.1 (unlawful use or possession of weapons by felons  
4 or persons in the custody of the Department of Corrections  
5 facilities),  
6 24-1.2 (aggravated discharge of a firearm),  
7 24-1.2-5 (aggravated discharge of a machine gun or a  
8 firearm equipped with a device designed or used for  
9 silencing a firearm),  
10 24-1.5 (reckless discharge of a firearm),  
11 24-1.6 (aggravated unlawful use of a weapon),  
12 24-1.7 (being an armed habitual criminal),  
13 24-1.8 (unlawful possession of a firearm by a street  
14 gang member),  
15 24-3 (unlawful sale of firearms),  
16 24-3.1 (unlawful possession of firearms or firearm  
17 ammunition),  
18 24-3.3 (unlawful sale or delivery of firearms on the  
19 premises of any school),  
20 24-3.4 (unlawful sale of firearms by liquor licensee),  
21 24-3.5 (unlawful purchase of a firearm),  
22 24-3.6 (unlawful use of a firearm in the shape of a  
23 wireless telephone),  
24 24-3.7 (use of a stolen firearm in the commission of an  
25 offense),  
26 24-3A (gunrunning), and

1           33A-2 (armed violence).

2           A conviction for an offense of federal law, Uniform Code of  
3 Military Justice, or the law of another state or a foreign  
4 country that is substantially equivalent to any offense listed  
5 in this subsection shall constitute a conviction for the  
6 purpose of this Act.

7           (d) As used in this Act, "law enforcement agency having  
8 jurisdiction" means the chief of police in each of the  
9 municipalities in which the gun offender expects to reside,  
10 work, or attend school (1) upon his or her discharge, parole or  
11 release or (2) during the service of his or her sentence of  
12 probation or conditional discharge, or the Sheriff of the  
13 county, in the event no chief of police exists or if the  
14 offender intends to reside, work, or attend school in an  
15 unincorporated area. "Law enforcement agency having  
16 jurisdiction" includes the location where out-of-state  
17 students attend school and where out-of-state employees are  
18 employed or are otherwise required to register.

19           (e) As used in this Act, "supervising officer" means the  
20 assigned Illinois Department of Corrections parole agent or  
21 county probation officer.

22           (f) As used in this Act, "out-of-state student" means a gun  
23 offender who is enrolled in Illinois, on a full-time or  
24 part-time basis, in any public or private educational  
25 institution, including, but not limited to, any secondary  
26 school, trade or professional institution, or institution of

1 higher learning.

2 (g) As used in this Act, "out-of-state employee" means a  
3 gun offender who works in Illinois, regardless of whether the  
4 individual receives payment for services performed, for a  
5 period of time of 10 or more days or for an aggregate period of  
6 time of 30 or more days during any calendar year. Persons who  
7 operate motor vehicles in the State accrue one day of  
8 employment time for any portion of a day spent in Illinois.

9 (h) As used in this Act, "school" means a public or private  
10 educational institution, including, but not limited to, an  
11 elementary or secondary school, trade or professional  
12 institution, or institution of higher education.

13 (i) As used in this Act, "fixed residence", "resides",  
14 "place of residence", or "temporary domicile" means any and all  
15 places that a gun offender resides for an aggregate period of  
16 time of 5 or more days in a calendar year.

17 Section 10. Duty to register.

18 (a) A gun offender shall, within the time period prescribed  
19 in subsections (b) and (c), register in person and provide  
20 accurate information as required by the Department of State  
21 Police. The information shall include a current photograph,  
22 current address, current place of employment, the employer's  
23 telephone number, school attended, extensions of the time  
24 period for registering as provided in this Act and, if an  
25 extension was granted, the reason why the extension was granted

1 and the date the gun offender was notified of the extension. A  
2 person who has been adjudicated a juvenile delinquent for an  
3 act which, if committed by an adult, would be a gun offense  
4 shall register as an adult gun offender within 10 days after  
5 attaining 17 years of age. The gun offender shall register:

6 (1) with the chief of police in the municipality in  
7 which he or she resides or is temporarily domiciled, unless  
8 the municipality is the City of Chicago, in which case he  
9 or she shall register at the Chicago Police Department  
10 Headquarters; or

11 (2) with the sheriff in the county in which he or she  
12 resides or is temporarily domiciled in an unincorporated  
13 area or, if incorporated, no chief of police exists.

14 If the gun offender is employed at or attends an  
15 institution of higher education, he or she shall register:

16 (i) with the chief of police in the municipality in  
17 which he or she is employed at or attends an institution of  
18 higher education, unless the municipality is the City of  
19 Chicago, in which case he or she shall register at the  
20 Chicago Police Department Headquarters; or

21 (ii) with the sheriff in the county in which he or she  
22 is employed or attends an institution of higher education  
23 located in an unincorporated area, or if incorporated, no  
24 chief of police exists.

25 A person required to register under this Act who lacks a  
26 fixed residence or temporary domicile must notify, in person,

1 the law enforcement agency having jurisdiction of his or her  
2 last known address within 5 days after ceasing to have a fixed  
3 residence.

4 A person who lacks a fixed residence must report weekly, in  
5 person, with the sheriff's office of the county in which he or  
6 she is located in an unincorporated area, or with the chief of  
7 police in the municipality in which he or she is located. The  
8 law enforcement agency having jurisdiction will document each  
9 weekly registration to include all the locations where the  
10 person has stayed during the past 7 days.

11 (a-5) An out-of-state student or out-of-state employee  
12 shall, within 5 days after beginning school or employment in  
13 this State, register in person and provide accurate information  
14 as required by the Department of State Police. The information  
15 shall include current place of employment, school attended, and  
16 address in state of residence. The out-of-state student or  
17 out-of-state employee shall register:

18 (1) with the chief of police in the municipality in  
19 which he or she attends school or is employed for a period  
20 of time of 5 or more days or for an aggregate period of  
21 time of more than 30 days during any calendar year, unless  
22 the municipality is the City of Chicago, in which case he  
23 or she shall register at the Chicago Police Department  
24 Headquarters; or

25 (2) with the sheriff in the county in which he or she  
26 attends school or is employed for a period of time of 5 or

1 more days or for an aggregate period of time of more than  
2 30 days during any calendar year in an unincorporated area  
3 or, if incorporated, no chief of police exists.

4 (b) A gun offender regardless of any initial, prior, or  
5 other registration, shall, within 5 days of beginning school,  
6 or establishing a residence, place of employment, or temporary  
7 domicile in any county, register in person as set forth in  
8 subsection (a) or (a-5).

9 (c) The registration for a person required to register  
10 under this Act shall be as follows:

11 (1) Except as provided in paragraph (3) of this  
12 subsection (c), a person who has not been notified of his  
13 or her responsibility to register shall be notified by a  
14 criminal justice entity of his or her responsibility to  
15 register. Upon notification the person must then register  
16 within 5 days of notification of his or her requirement to  
17 register. If notification is not made within the offender's  
18 10 year registration requirement, and the Department of  
19 State Police determines no evidence exists or indicates the  
20 offender attempted to avoid registration, the offender  
21 will no longer be required to register under this Act.

22 (2) Except as provided in paragraph (3) of this  
23 subsection (c), a person convicted on or after the  
24 effective date of this Act shall register in person within  
25 5 days after the entry of the sentencing order based upon  
26 his or her conviction.

1           (3) A person unable to comply with the registration  
2 requirements of this Act because he or she is confined,  
3 institutionalized, or imprisoned in Illinois on or after  
4 the effective date of this Act shall register in person  
5 within 5 days of discharge, parole or release.

6           (4) The person shall provide positive identification  
7 and documentation that substantiates proof of residence at  
8 the registering address.

9           (5) The person shall pay a \$20 initial registration fee  
10 and a \$10 annual renewal fee. The fees shall be deposited  
11 into the Gun Offender Registration Fund. The fees shall be  
12 used by the registering agency for official purposes. The  
13 agency shall establish procedures to document receipt and  
14 use of the funds. The law enforcement agency having  
15 jurisdiction may waive the registration fee if it  
16 determines that the person is indigent and unable to pay  
17 the registration fee.

18           (d) Within 5 days after obtaining or changing employment, a  
19 person required to register under this Section must report, in  
20 person to the law enforcement agency having jurisdiction, the  
21 business name and address where he or she is employed. If the  
22 person has multiple businesses or work locations, every  
23 business and work location must be reported to the law  
24 enforcement agency having jurisdiction.

25           Section 15. Discharge of gun offender from Department of

1 Corrections facility or other penal institution; duties of  
2 official in charge. A gun offender who is discharged, paroled,  
3 or released from a Department of Corrections facility, a  
4 facility where the person was placed by the Department of  
5 Corrections or another penal institution, and whose liability  
6 for registration has not been terminated under Section 40  
7 shall, prior to discharge, parole or release from the facility  
8 or institution, be informed of his or her duty to register in  
9 person within 5 days of release by the facility or institution  
10 in which he or she was confined.

11 The facility shall require the person to read and sign the  
12 form as may be required by the Department of State Police  
13 stating that the duty to register and the procedure for  
14 registration has been explained to him or her and that he or  
15 she understands the duty to register and the procedure for  
16 registration. The facility shall further advise the person in  
17 writing that the failure to register or other violation of this  
18 Act shall result in revocation of parole, mandatory supervised  
19 release or conditional release. The facility shall obtain  
20 information about where the person expects to reside, work, and  
21 attend school upon his or her discharge, parole or release and  
22 shall report the information to the Department of State Police.  
23 The facility shall give one copy of the form to the person and  
24 shall send one copy to each of the law enforcement agencies  
25 having jurisdiction where the person expects to reside, work,  
26 and attend school upon his or her discharge, parole or release

1 and retain one copy for the files. Electronic data files which  
2 includes all notification form information and photographs of  
3 gun offenders being released from an Illinois Department of  
4 Corrections facility will be shared on a regular basis as  
5 determined between the Department of State Police and the  
6 Department of Corrections.

7 Section 20. Release of gun offender; duties of the court. A  
8 gun offender who is released on probation, conditional  
9 discharge, or discharged upon payment of a fine because of the  
10 commission of one of the offenses defined in subsection (c) of  
11 Section 5 of this Act, shall, prior to the release be informed  
12 of his or her duty to register under this Act by the court in  
13 which he or she was convicted. The court shall require the  
14 person to read and sign the form as may be required by the  
15 Department of State Police stating that the duty to register  
16 and the procedure for registration has been explained to him or  
17 her and that he or she understands the duty to register and the  
18 procedure for registration. The court shall further advise the  
19 person in writing that the failure to register or other  
20 violation of this Act shall result in probation or conditional  
21 discharge revocation. The court shall obtain information about  
22 where the person expects to reside, work, and attend school  
23 upon his or her release, and shall report the information to  
24 the Department of State Police. The court shall give one copy  
25 of the form to the person and retain the original in the court

1 records. The Department of State Police shall notify the law  
2 enforcement agencies having jurisdiction where the person  
3 expects to reside, work and attend school upon his or her  
4 release.

5 Section 25. Discharge of gun offender from a hospital or  
6 other treatment facility; duties of the official in charge. A  
7 gun offender who is discharged or released from a hospital or  
8 other treatment facility where he or she was confined shall be  
9 informed by the hospital or treatment facility in which he or  
10 she was confined, prior to discharge or release from the  
11 hospital or treatment facility, of his or her duty to register  
12 under this Act.

13 The facility shall require the person to read and sign the  
14 form as may be required by the Department of State Police  
15 stating that the duty to register and the procedure for  
16 registration have been explained to him or her and that he or  
17 she understands the duty to register and the procedure for  
18 registration. The facility shall give one copy of the form to  
19 the person, retain one copy for its records, and forward the  
20 original to the Department of State Police. The facility shall  
21 obtain information about where the person expects to reside,  
22 work, and attend school upon his or her discharge, parole, or  
23 release and shall report the information to the Department of  
24 State Police within 3 days. The Department of State Police  
25 shall notify the law enforcement agencies having jurisdiction

1 where the person expects to reside, work, and attend school  
2 upon his or her release.

3 Section 30. Duty to report; change of address, school, or  
4 employment; duty to inform. A gun offender who is required to  
5 register under this Act shall report in person to the  
6 appropriate law enforcement agency with whom he or she last  
7 registered within one year from the date of last registration  
8 and every year thereafter and at such other times at the  
9 request of the law enforcement agency not to exceed 4 times a  
10 year. If a person required to register under this Act lacks a  
11 fixed residence or temporary domicile, he or she must notify,  
12 in person, the law enforcement agency having jurisdiction of  
13 his or her last known address within 5 days after ceasing to  
14 have a fixed residence and if the offender leaves the last  
15 jurisdiction of residence, he or she must, within 48 hours  
16 after leaving, register in person with the new law enforcement  
17 agency having jurisdiction. If a person required to register  
18 under this Act changes his or her residence address, place of  
19 employment, or school, he or she shall report the change in  
20 person to the law enforcement agency with whom he or she last  
21 registered within the time period specified in Section 10. The  
22 law enforcement agency shall, within 3 days of the reporting by  
23 the person required to register under this Act, notify the  
24 Department of State Police of the new place of residence,  
25 change in employment, or school.

1           Section 35. Out-of-State employee or student; duty to  
2 report change. An out-of-state student or out-of-state  
3 employee must notify the law enforcement agency having  
4 jurisdiction of any change of employment or change of  
5 educational status, in writing, within 5 days of the change.  
6 The law enforcement agency shall, within 3 days after receiving  
7 the notice, enter the appropriate changes into LEADS.

8           Section 40. Duration of registration. A person who becomes  
9 subject to registration under this Act who has previously been  
10 subject to registration under this Act or under the Sex  
11 Offender Registration Act, the Arsonist Registration Act, or  
12 the Murderer and Violent Offender Against Youth Registration  
13 Act or similar registration requirements of other  
14 jurisdictions shall register for the period of his or her  
15 natural life if not confined to a penal institution, hospital,  
16 or other institution or facility, and if confined, for the  
17 period of his or her natural life after parole, discharge, or  
18 release from that facility. A person who is required to  
19 register under this Act shall be required to register for a  
20 period of 10 years after conviction or adjudication if not  
21 confined to a penal institution, hospital or any other  
22 institution or facility, and if confined, for a period of 10  
23 years after parole, discharge or release from that facility. A  
24 gun offender who is allowed to leave a county, State, or

1 federal facility for the purposes of work release, education,  
2 or overnight visitations shall be required to register within 5  
3 days of beginning the program. Liability for registration  
4 terminates at the expiration of 10 years from the date of  
5 conviction or adjudication if not confined to a penal  
6 institution, hospital or any other institution or facility and  
7 if confined, at the expiration of 10 years from the date of  
8 parole, discharge or release from that facility, providing the  
9 person does not, during that period, again become liable to  
10 register under the provisions of this Act. Reconfinement due to  
11 a violation of parole, mandatory supervised release, or other  
12 circumstances that relates to the original conviction or  
13 adjudication shall extend the period of registration to 10  
14 years after final parole, discharge, or release. The Director  
15 of State Police, consistent with administrative rules, shall  
16 extend for 10 years the registration period of a gun offender  
17 who fails to comply with the provisions of this Act. The  
18 registration period for a gun offender who fails to comply with  
19 any provision of the Act shall extend the period of  
20 registration by 10 years beginning from the first date of  
21 registration after the violation. If the registration period is  
22 extended, the Department of State Police shall send a  
23 registered letter to the law enforcement agency where the gun  
24 offender resides within 3 days after the extension of the  
25 registration period. The gun offender shall report to that law  
26 enforcement agency and sign for that letter. One copy of that

1 letter shall be kept on file with the law enforcement agency of  
2 the jurisdiction where the gun offender resides and one copy  
3 shall be returned to the Department of State Police.

4 Section 45. Registration requirements. Registration as  
5 required by this Act shall consist of a statement in writing  
6 signed by the person giving the information that is required by  
7 the Department of State Police, which may include the  
8 fingerprints and must include a current photograph of the  
9 person, to be updated annually. The registration information  
10 must include whether the person is a gun offender. Within 3  
11 days, the registering law enforcement agency shall forward the  
12 required information to the Department of State Police. The  
13 registering law enforcement agency shall enter the information  
14 into the Law Enforcement Agencies Data System (LEADS) as  
15 provided in Sections 6 and 7 of the Intergovernmental Missing  
16 Child Recovery Act of 1984.

17 Section 50. Verification requirements.

18 (a) The law enforcement agency having jurisdiction shall  
19 verify the address of gun offenders required to register with  
20 their agency at least once per year. The verification must be  
21 documented in LEADS in the form and manner required by the  
22 Department of State Police.

23 (b) The supervising officer shall, within 15 days of  
24 sentencing to probation, conditional discharge, or release

1 from an Illinois Department of Corrections facility, contact  
2 the law enforcement agency in the jurisdiction which the gun  
3 offender designated as his or her intended residence and verify  
4 compliance with the requirements of this Act. Revocation  
5 proceedings shall be immediately commenced against a gun  
6 offender on probation, conditional discharge, parole, or  
7 mandatory supervised release who fails to comply with the  
8 requirements of this Act.

9 Section 55. Public inspection of registration data. Except  
10 as provided in the Gun Offender Notification Law, the  
11 statements or any other information required by this Act shall  
12 not be open to inspection by the public, or by any person other  
13 than by a law enforcement officer or other individual as may be  
14 authorized by law and shall include law enforcement agencies of  
15 this State, any other state, or of the federal government.  
16 Similar information may be requested from any law enforcement  
17 agency of another state or of the federal government for  
18 purposes of this Act. It is a Class B misdemeanor to permit the  
19 unauthorized release of information required by this Act.

20 Section 60. Penalty. A person who is required to register  
21 under this Act who violates any of the provisions of this Act  
22 and a person who is required to register under this Act who  
23 seeks to change his or her name under Article 21 of the Code of  
24 Civil Procedure is guilty of a Class 3 felony. A person who is

1 convicted for a violation of this Act for a second or  
2 subsequent time is guilty of a Class 2 felony. A person who is  
3 required to register under this Act who knowingly gives  
4 material information required by this Act that is false is  
5 guilty of a Class 3 felony. A person convicted of a violation  
6 of any provision of this Act shall, in addition to any other  
7 penalty required by law, be required to serve a minimum period  
8 of 7 days confinement in the local county jail. The court shall  
9 impose a mandatory minimum fine of \$500 for failure to comply  
10 with any provision of this Act. These fines shall be deposited  
11 into the Gun Offender Registration Fund. A gun offender who  
12 violates any provision of this Act may be arrested and tried in  
13 any Illinois county where the gun offender can be located. The  
14 local police department or sheriff's office is not required to  
15 determine whether the person is living within its jurisdiction.

16 Section 65. Gun Offender Registration Fund. There is  
17 created in the State treasury the Gun Offender Registration  
18 Fund. Moneys in the Fund shall be used to cover costs incurred  
19 by the criminal justice system to administer this Act. The  
20 Department of State Police shall establish and adopt rules and  
21 procedures regarding the administration of this Fund. Fifty  
22 percent of the moneys in the Fund shall be allocated by the  
23 Department for sheriffs' offices and police departments. The  
24 remaining moneys in the Fund shall be allocated to the  
25 Department of State Police for education and administration of

1 this Act.

2 Section 70. Access to State of Illinois databases. The  
3 Department of State Police shall have access to State of  
4 Illinois databases containing information that may help in the  
5 identification or location of persons required to register  
6 under this Act. Interagency agreements shall be implemented,  
7 consistent with security and procedures established by the  
8 State agency and consistent with the laws governing the  
9 confidentiality of the information in the databases.  
10 Information shall be used only for administration of this Act.

11 Section 75. Gun Offender Community Notification Law.  
12 Sections 75 through 100 of this Act may be cited as the Gun  
13 Offender Community Notification Law.

14 Section 80. Definition. As used in Sections 75 through 105,  
15 the following definitions apply:

16 "Child care facilities" has the meaning set forth in the  
17 Child Care Act of 1969, but does not include licensed foster  
18 homes.

19 Section 85. Statewide Gun Offender Database.

20 (a) The Department of State Police shall establish and  
21 maintain a Statewide Gun Offender Database for the purpose of  
22 identifying gun offenders and making that information

1 available to the persons specified in Section 95. The Database  
2 shall be created from the Law Enforcement Agencies Data System  
3 (LEADS) established under Section 6 of the Intergovernmental  
4 Missing Child Recovery Act of 1984. The Department of State  
5 Police shall examine its LEADS database for persons registered  
6 as gun offenders under this Act and shall identify those who  
7 are gun offenders and shall add all the information, including  
8 photographs if available, on those gun offenders to the  
9 Statewide Gun Offender Database.

10 (b) The Department of State Police must make the  
11 information contained in the Statewide Statewide Gun Offender  
12 Database accessible on the Internet by means of a hyperlink  
13 labeled "Statewide Gun Offender Information" on the  
14 Department's World Wide Web home page. The Department of State  
15 Police must update that information as it deems necessary.

16 The Department of State Police may require that a person  
17 who seeks access to the gun offender information submit  
18 biographical information about himself or herself before  
19 permitting access to the gun offender information. The  
20 Department of State Police must adopt rules in accordance with  
21 the Illinois Administrative Procedure Act to implement this  
22 subsection (b) and those rules must include procedures to  
23 ensure that the information in the database is accurate.

24 (c) The Department of State Police must develop and conduct  
25 training to educate all those entities involved in the Gun  
26 Offender Registration Program.

1           (d) The Department of State Police shall commence the  
2 duties prescribed in the Gun Offender Registration Act within  
3 12 months after the effective date of this Act.

4           Section 90. List of gun offenders; list of facilities,  
5 schools, and institutions of higher education. The Department  
6 of State Police shall adopt rules to develop a list of gun  
7 offenders covered by this Act and a list of child care  
8 facilities, schools, and institutions of higher education  
9 eligible to receive notice under this Act, so that the list can  
10 be disseminated in a timely manner to law enforcement agencies  
11 having jurisdiction.

12           Section 95. Community notification of gun offenders.

13           (a) The sheriff of the county, except Cook County, shall  
14 disclose to the following the name, address, date of birth,  
15 place of employment, school attended, and offense or  
16 adjudication of all gun offenders required to register under  
17 Section 10 of this Act:

18           (1) The boards of institutions of higher education or  
19 other appropriate administrative offices of each  
20 non-public institution of higher education located in the  
21 county where the gun offender is required to register,  
22 resides, is employed, or is attending an institution of  
23 higher education; and

24           (2) School boards of public school districts and the

1 principal or other appropriate administrative officer of  
2 each nonpublic school located in the county where the gun  
3 offender is required to register or is employed; and

4 (3) Child care facilities located in the county where  
5 the gun offender is required to register or is employed;  
6 and

7 (4) Libraries located in the county where the gun  
8 offender is required to register or is employed.

9 (a-2) The sheriff of Cook County shall disclose to the  
10 following the name, address, date of birth, place of  
11 employment, school attended, and offense or adjudication of all  
12 gun offenders required to register under Section 10 of this  
13 Act:

14 (1) School boards of public school districts and the  
15 principal or other appropriate administrative officer of  
16 each nonpublic school located within the region of Cook  
17 County, as those public school districts and nonpublic  
18 schools are identified in LEADS, other than the City of  
19 Chicago, where the gun offender is required to register or  
20 is employed; and

21 (2) Child care facilities located within the region of  
22 Cook County, as those child care facilities are identified  
23 in LEADS, other than the City of Chicago, where the gun  
24 offender is required to register or is employed; and

25 (3) The boards of institutions of higher education or  
26 other appropriate administrative offices of each

1 non-public institution of higher education located in the  
2 county, other than the City of Chicago, where the gun  
3 offender is required to register, resides, is employed, or  
4 attending an institution of higher education; and

5 (4) Libraries located in the county, other than the  
6 City of Chicago, where the gun offender is required to  
7 register, resides, is employed, or is attending an  
8 institution of higher education.

9 (a-3) The Chicago Police Department shall disclose to the  
10 following the name, address, date of birth, place of  
11 employment, school attended, and offense or adjudication of all  
12 gun offenders required to register under Section 10 of this  
13 Act:

14 (1) School boards of public school districts and the  
15 principal or other appropriate administrative officer of  
16 each nonpublic school located in the police district where  
17 the gun offender is required to register or is employed if  
18 the offender is required to register or is employed in the  
19 City of Chicago; and

20 (2) Child care facilities located in the police  
21 district where the gun offender is required to register or  
22 is employed if the offender is required to register or is  
23 employed in the City of Chicago; and

24 (3) The boards of institutions of higher education or  
25 other appropriate administrative offices of each  
26 non-public institution of higher education located in the

1 police district where the gun offender is required to  
2 register, resides, is employed, or attending an  
3 institution of higher education in the City of Chicago; and

4 (4) Libraries located in the police district where the  
5 gun offender is required to register or is employed if the  
6 offender is required to register or is employed in the City  
7 of Chicago.

8 (a-4) The Department of State Police shall provide a list  
9 of gun offenders required to register to the Illinois  
10 Department of Children and Family Services.

11 (b) The Department of State Police and any law enforcement  
12 agency may disclose, in the Department's or agency's  
13 discretion, the following information to any person likely to  
14 encounter a gun offender:

15 (1) The offender's name, address, and date of birth.

16 (2) The offense for which the offender was convicted.

17 (3) The offender's photograph or other information  
18 that will help identify the gun offender.

19 (4) Offender employment information, to protect public  
20 safety.

21 (c) The name, address, date of birth, and offense or  
22 adjudication for gun offenders required to register under  
23 Section 10 of this Act shall be open to inspection by the  
24 public as provided in this Section. Every municipal police  
25 department shall make available at its headquarters the  
26 information on all gun offenders who are required to register

1 in the municipality under this Act. The sheriff shall also make  
2 available at his or her headquarters the information on all gun  
3 offenders who are required to register under this Act and who  
4 live in unincorporated areas of the county. Gun offender  
5 information must be made available for public inspection to any  
6 person, no later than 72 hours or 3 business days from the date  
7 of the request. The request must be made in person, in writing,  
8 or by telephone. Availability must include giving the inquirer  
9 access to a facility where the information may be copied. A  
10 department or sheriff may charge a fee, but the fee may not  
11 exceed the actual costs of copying the information. An inquirer  
12 must be allowed to copy this information in his or her own  
13 handwriting. A department or sheriff must allow access to the  
14 information during normal public working hours. The sheriff or  
15 a municipal police department may publish the photographs of  
16 gun offenders where any victim was 13 years of age or younger  
17 and who are required to register in the municipality or county  
18 under this Act in a newspaper or magazine of general  
19 circulation in the municipality or county or may disseminate  
20 the photographs of those gun offenders on the Internet or on  
21 television. The law enforcement agency may make available the  
22 information on all gun offenders residing within any county.

23 (d) The Department of State Police and any law enforcement  
24 agency having jurisdiction may, in the Department's or agency's  
25 discretion, place the information specified in subsection (b)  
26 on the Internet or in other media.

1 Section 100. Notification regarding juvenile offenders.

2 (a) The Department of State Police and any law enforcement  
3 agency having jurisdiction may, in the Department's or agency's  
4 discretion, only provide the information specified in  
5 subsection (b) of Section 95, with respect to an adjudicated  
6 juvenile delinquent, to any person when that person's safety  
7 may be compromised for some reason related to the juvenile gun  
8 offender.

9 (b) The local law enforcement agency having jurisdiction to  
10 register the juvenile gun offender shall ascertain from the  
11 juvenile gun offender whether the juvenile gun offender is  
12 enrolled in school; and if so, shall provide a copy of the gun  
13 offender registration form only to the principal or chief  
14 administrative officer of the school and any guidance counselor  
15 designated by him or her. The registration form shall be kept  
16 separately from any and all school records maintained on behalf  
17 of the juvenile gun offender.

18 Section 105. Gun offender registration eligibility  
19 verification system vendor contract.

20 (a) For the purposes of this Section, "Department" means  
21 the Department of State Police.

22 (b) Because of the urgent need to protect the public safety  
23 from firearm violence, the Department shall enter into a  
24 contract or contracts with one or more third-party entities to

1 provide the services as set forth in subsection (c) of this  
2 Section. Any of these procurements by the Department to perform  
3 functions related to this Section shall be deemed to be  
4 emergency purchases necessary to prevent or minimize serious  
5 disruption in critical State services that affect public  
6 safety. The procurement of this contract or contracts shall be  
7 conducted in accordance with the emergency purchase provisions  
8 prescribed in Section 20-30 of the Illinois Procurement Code.  
9 However, the term of these emergency contracts shall not be  
10 limited to 90 days but may be for an initial term of up to 2  
11 years. In procuring any emergency contract or contracts, (i)  
12 the State Procurement Officer, in consultation with the  
13 Department, shall cause a notice to be posted to the Illinois  
14 Procurement Bulletin of the Department's intent to procure, a  
15 description of the anticipated contract objectives, and the  
16 duties and responsibilities of any third-party entity; (ii) the  
17 Department may invite an interested third-party entity or  
18 entities to one or more meetings to discuss the procurement,  
19 the contents thereof, and the scope of the procurement, and to  
20 answer questions; (iii) the interested third-party entity or  
21 entities shall be invited to submit their solutions in writing;  
22 (iv) the Department shall select the third-party entity or  
23 entities whose solutions best fit the Department's needs as  
24 described by the Department in the notice posted to the  
25 Illinois Procurement Bulletin and shall enter into  
26 negotiations with one or more to settle on final duties and

1 responsibilities and the price for the final contract or  
2 contracts; and (v) the State Purchasing Officer, in  
3 consultation with the Department, shall cause any award to be  
4 posted to the Illinois Procurement Bulletin. The provisions  
5 prescribed in Section 50-39 of the Illinois Procurement Code do  
6 not apply to any emergency purchases procured under this  
7 Section. Notwithstanding any other provision of the Illinois  
8 Procurement Code to the contrary, any amendments to any  
9 contract or contracts that the Chief Procurement Officer, in  
10 consultation with the Department, determines are necessary to  
11 implement this Section shall be deemed to be within the scope  
12 of the emergency purchases allowed under this Section and under  
13 Section 20-30 of the Illinois Procurement Code.

14 (c) No later than 60 days after the effective date of this  
15 Act, the Department, in consultation with the Chief Procurement  
16 Officer, shall conduct and complete any procurement necessary  
17 to procure a vendor to create, implement, and administer a  
18 registration eligibility verification system for gun offenders  
19 as required by the Department. The registration eligibility  
20 verification system must ensure that gun offenders register  
21 under this Act. Notwithstanding any other provision of the  
22 Illinois Procurement Code to the contrary:

23 (1) The procurement may include procurement of a vendor  
24 to assist the Department in conducting the procurement.  
25 This vendor shall be precluded from working on any contract  
26 awarded under this subsection (c).

1           (2) The Department, in consultation with the Chief  
2 Procurement Officer, shall negotiate final contract terms  
3 with a vendor selected by the Department and within 30 days  
4 of selection of a registration eligibility verification  
5 vendor, the Department shall enter into a contract with the  
6 selected vendor.

7           Section 1005. The State Finance Act is amended by adding  
8 Section 5.826 as follows:

9           (30 ILCS 105/5.826 new)

10          Sec. 5.826. The Gun Offender Registration Fund.

11          Section 1010. The Code of Civil Procedure is amended by  
12 changing Section 21-101 as follows:

13          (735 ILCS 5/21-101) (from Ch. 110, par. 21-101)

14          Sec. 21-101. Proceedings; parties. If any person who is a  
15 resident of this State and has resided in this State for 6  
16 months desires to change his or her name and to assume another  
17 name by which to be afterwards called and known, the person may  
18 file a petition in the circuit court of the county wherein he  
19 or she resides praying for that relief. If it appears to the  
20 court that the conditions hereinafter mentioned have been  
21 complied with and that there is no reason why the prayer should  
22 not be granted, the court, by an order to be entered of record,

1 may direct and provide that the name of that person be changed  
2 in accordance with the prayer in the petition. The filing of a  
3 petition in accordance with this Section shall be the sole and  
4 exclusive means by which any person committed under the laws of  
5 this State to a penal institution may change his or her name  
6 and assume another name. However, any person convicted of a  
7 felony in this State or any other state who has not been  
8 pardoned may not file a petition for a name change until 10  
9 years have passed since completion and discharge from his or  
10 her sentence. A person who has been convicted of identity  
11 theft, aggravated identity theft, felony or misdemeanor  
12 criminal sexual abuse when the victim of the offense at the  
13 time of its commission is under 18 years of age, felony or  
14 misdemeanor sexual exploitation of a child, felony or  
15 misdemeanor indecent solicitation of a child, or felony or  
16 misdemeanor indecent solicitation of an adult, or any other  
17 offense for which a person is required to register under the  
18 Sex Offender Registration Act, the Murderer and Violent  
19 Offender Against Youth Registration Act, or the Gun Offender  
20 Registration Act in this State or any other state who has not  
21 been pardoned shall not be permitted to file a petition for a  
22 name change in the courts of Illinois. A petitioner may include  
23 his or her spouse and adult unmarried children, with their  
24 consent, and his or her minor children where it appears to the  
25 court that it is for their best interest, in the petition and  
26 prayer, and the court's order shall then include the spouse and

1 children. Whenever any minor has resided in the family of any  
2 person for the space of 3 years and has been recognized and  
3 known as an adopted child in the family of that person, the  
4 application herein provided for may be made by the person  
5 having that minor in his or her family.

6 An order shall be entered as to a minor only if the court  
7 finds by clear and convincing evidence that the change is  
8 necessary to serve the best interest of the child. In  
9 determining the best interest of a minor child under this  
10 Section, the court shall consider all relevant factors,  
11 including:

12 (1) The wishes of the child's parents and any person  
13 acting as a parent who has physical custody of the child.

14 (2) The wishes of the child and the reasons for those  
15 wishes. The court may interview the child in chambers to  
16 ascertain the child's wishes with respect to the change of  
17 name. Counsel shall be present at the interview unless  
18 otherwise agreed upon by the parties. The court shall cause  
19 a court reporter to be present who shall make a complete  
20 record of the interview instantaneously to be part of the  
21 record in the case.

22 (3) The interaction and interrelationship of the child  
23 with his or her parents or persons acting as parents who  
24 have physical custody of the child, step-parents,  
25 siblings, step-siblings, or any other person who may  
26 significantly affect the child's best interest.

1           (4) The child's adjustment to his or her home, school,  
2           and community.

3           (Source: P.A. 94-944, eff. 1-1-07.)